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Practitioner's Docket No.: 1372.17

PATENTS  
#11  
#12  
#13  
#14IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark J. Jaroszeski et al.

Serial No.: 09/772,561

Art Unit: 3763

Filed: 01/30/2001

Examiner: Michael J. Hayes

For: **NONPENETRATING  
ELECTROPORATION DEVICE AND  
METHOD**

Faxed to Technology Center 1700 at (703) 872-9302  
Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

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Dear Sir:

Applicant responds to the nonfinal Examiner's action mailed November 26, 2002, having a shortened statutory period for response set to expire December 26, 2002 as follows:

Applicant requests that the attorney docket number for the application be changed from 24071 to 1372.17.

IN THE SPECIFICATION

Applicant requests that the title of the application be changed to "NONPENETRATING ELECTROPORATION DEVICE" to appropriately reflect the election response.

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Applicant elects to prosecute claims 1-4, 7, 9-13, 16, 21-37, 57-66 and 78 of Group I, drawn to a device for manipulating a molecule, classified in class 604, subclass 20. This election is made without traverse.

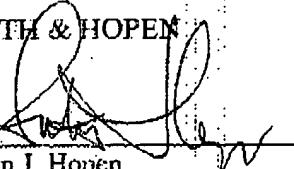
REMARKS

If an Examiner's Amendment would place the pending claims in condition for allowance, a telephone call to the undersigned at (727) 507-8558 is requested.

Very respectfully,

SMITH & HOPEN

By:

  
Anton J. Hopen  
Suite 220  
15950 Bay Vista Drive  
Clearwater, FL 33760  
(727) 507-8558  
Attorneys for Applicant

Dated: December 20, 2002

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**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this Response to Election/Restriction Requirement is being transmitted by facsimile to the U.S. Patent and Trademark Office, Group Art Unit 1746, Attn: Michael J. Hayes, (703) 872-9302 on December 20, 2002.

Dated: December 20, 2002

  
Deborah Preza

Docket No. 1372.17

**PATENTS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

MARK J. JAROSZESKI ET AL.

Serial No.: 09/772,561

Art Unit: 3763

Filed: 03/30/2001

Examiner: Michael J. Hayes

For: NONPENETRATING  
ELECTROPORATION DEVICE AND  
METHOD

Faxed to Technology Center 3700 at (703) 872-9302  
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 Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is a Response To Election/Restriction Requirement for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.  
 Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**SIGNATURE OF PRACTITIONER**

Anton J. Hopen  
 Smith & Hopen, P.A.  
 15950 Bay Vista Drive, Ste. 220  
 Clearwater, FL 33760  
 (727) 507-8558

Reg. No.: 41,849  
 Customer No.: 21,901

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Dated: December 20, 2002

  
Deborah Preza

(Amendment Transmittal - page 1)



## smith &amp; hopen, p.a.

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GROUP 3700

Fax

INTELLECTUAL PROPERTY LAW

To: U.S. Patent & Trademark Office From: Anton J. Hopen  
Attn: Michael J. Hayes - Art Unit 3763 Client: 1372.17  
Fax: (703) 872-9302 Pages: 4 including coversheet  
Phone: (703) 305-5873 Date: December 20, 2002  
Re: USSN 09/772,561 CC: University of South Florida (Assignee)

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